

CARSON CITY BOARD OF SUPERVISORS
Minutes of the December 18, 1997, Meeting
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A regularly scheduled meeting of the Carson City Board of Supervisors was held on Thursday, December 18, 1997, at the Community Center Sierra Room, 851 East William Street, Carson City, Nevada, beginning at 8:30 a.m.

PRESENT:	Ray Masayko	Mayor	
	Tom Tatro		Supervisor, Ward 3
	Greg Smith		Supervisor, Ward 1
	Jon Plank		Supervisor, Ward 2
	Kay Bennett		Supervisor, Ward 4
STAFF PRESENT:	John Berkich	City Manager	
	Alan Glover		Clerk-Recorder
	Rod Banister		Sheriff
	Al Kramer		Treasurer
	Gary Kulikowski		Internal Auditor
	Mary Walker		Finance Director
	Steve Kastens		Parks and Recreation Director
	Dorothy Timian-Palmer		Public Works & Utilities Dir.
	Paul Lipparelli		Chief Deputy District Attorney
	Tim Homann		Deputy Public Works Director
	Katherine McLaughlin		Recording Secretary
	(B.O.S. 12/22/97 Tape 1-0001.5)		

NOTE: Unless otherwise indicated, each item was introduced by staff's reading/outlining/clarifying the Board Action Request and/or supporting documentation. Staff members present for each Department are listed under that Department's heading. Any other individuals who spoke are listed immediately following the item heading. A tape recording of these proceedings is on file in the Clerk-Recorder's office. This tape is available for review and inspection during normal business hours.

CALL TO ORDER, ROLL CALL, INVOCATION, AND PLEDGE OF ALLEGIANCE - Mayor Masayko convened the session at 8:30 a.m. Roll call was taken. A quorum was present although Supervisor Bennett had not yet arrived. Pastor Bruce Kochsmeier gave the Invocation. Mayor Masayko lead the Pledge of Allegiance.

CITIZEN COMMENTS (1-0037.5) - Mayor Masayko explained the purpose of this heading. He announced the January 8th meeting would include an evening session with the Golf Course Corporation. Public comments and Board discussion of those comments would occur at that time. The Corporation will hold a public hearing on January 15 in the Sierra Room.

(1-0049.5) Nevada Rural Health Centers Executive Director Ken McBain read his prepared statement into the record. A copy is included in the file. He explained the purpose of his agency, its funding, and clientele. The need for a new facility was stressed. He requested the City meet its financial commitments, provide a facility, and agendize this issue for action at its next meeting. (Supervisor Bennett arrived during his comments--8:38 a.m. A quorum was present as previously noted.) He invited the Board to visit his facility. Mayor Masayko indicated the item would be agendized for the January 8th meeting. Additional comments were solicited but none given.

1. APPROVAL OF MINUTES - August 21 and September 4, 1997 (1-0138.5) - Discussion explained the continuance of Item 2. B. in the September 4th Minutes and that page 14 had been skipped in copying of the packet Mayor Masayko received. Supervisor Tatro moved to approve the September 4, 1997, Minutes as submitted. Supervisor Smith seconded the motion. Discussion also noted that Page 12 had not been copied for the August 21 minutes. The page was read. Supervisor Tatro amended his motion to include the August 21, 1997, Minutes. Supervisor Smith seconded the motion. Motion carried 5-0.

2. SPECIAL PRESENTATION - RECOGNITION OF THE EFFORTS TOWARD THE ANNUAL CHRISTMAS TREE LIGHTING CEREMONIES (1-0186.5) - Mayor Masayko read his letter of recognition into the record thanking the volunteers for their work and donations. The letter was to be sent to the Chamber of Commerce Mainstreet Committee; Downtown Mainstreet Committee Chairperson Steve Browne and Member Sandra Woodruff; Mr. and Mrs. Craig Marshman of Lukens Lane; the Streets Department; the Building Maintenance staff; Finance Director Mary Walker; and City Hall team members Shannon McGuire, Gayle McCulloch, and Janet Busse.

3. CONSENT AGENDA (1-0242.5)

A. TREASURER - ACTION ON TREASURER'S REPORT FOR THE MONTH OF NOVEMBER 1997

B. CHIEF JUVENILE PROBATION OFFICER

i. ACTION ON THE CARSON CITY JUVENILE PROBATION DEPARTMENT TO RECEIVE \$7,600 IN FEDERAL FUNDS FROM THE OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION FOR THE REGIONAL JUVENILE JUSTICE CHALLENGE GRANT PROJECT

ii. ACTION ON THE CARSON CITY JUVENILE PROBATION DEPARTMENT TO RECEIVE \$16,232 IN FEDERAL FUNDS FROM THE OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION TITLE V GRANT PROGRAM

C. FINANCE DIRECTOR

i. ACTION ON DELETION OF FIXED ASSETS FROM THE GENERAL FUND FIXED ASSET LISTING

ii. ACTION ON DELETION OF FIXED ASSETS FROM THE ENTERPRISE FUNDS FIXED ASSET LISTING

D. PURCHASING DIRECTOR

i. ACTION ON CONTRACT NO. 9798-53 - CHIP SEAL CONTRACT, CHANGE ORDER NO. 1 AND REQUEST FOR FINAL PAYMENT

ii. ACTION ON CONTRACT NO. 9798-28 - CATCH BASIN REPLACEMENT, GENERAL CARSON CITY AREA, CHANGE ORDERS NO. 13-17 AND REQUEST FOR FINAL PAYMENT

iii. ACTION ON CONTRACT NO. 9697-140 - CARSON CITY HALL, REQUEST FOR FINAL PAYMENT

iv. ACTION ON CONTRACT NO. 9798-148 - DEAN COURT STORM DRAIN IMPROVEMENT, AWARD

v. ACTION ON CONTRACT NO. 9798-160 - LANDFILL GROUND WATER MONITORING WELL, AMENDMENT

vi. ACTION ON CONTRACT NO. 9798-162 - VICEE CANYON WATERSHED STABILIZATION, RECHARGE AND STORM WATER STORAGE PROJECT, AGREEMENTS

vii. ACTION ON CONTRACT NO. 9798-163 - SURPLUS AND DISPOSAL OF COURT HOUSE PHONE SYSTEM TO LYON COUNTY

E. PERSONNEL DIRECTOR

i. ACTION ON APPOINTMENT AND REAPPOINTMENT OF MEMBERS TO THE SHADE TREE COUNCIL

ii. ACTION ON APPOINTMENT OF MEMBERS TO THE AIRPORT AUTHORITY -

Mayor Masayko explained the Board's intent to interview the applicants for the Airport Authority. This item will be reagendaized for the January 8th meeting. Supervisor Plank explained the ordinance establishing the Shade Tree Council required a Parks and Recreation Commissioner be a member of the Council. He encouraged the Board to either modify the ordinance or follow its requirements. Also, two of the applicants had indicated that they were registered voters, however, could not be verified by the Clerk's office. This is also a mandatory requirement. Therefore, he encouraged the Board to deferred action on this item. He also requested Item B. i. be pulled for discussion. Ms. Timian-Palmer had requested, prior to the meeting, that Item D. vi. be pulled for discussion.

Supervisor Smith moved to approve the Consent Agenda with the following items being removed, that being the action on Carson City Juvenile Probation Department to receive \$7600; action on Contract 9798-162 to be heard separately; and both items under the Personnel Director--action on appointment and reappointment of members to the Shade Tree Council and action on appointment of members to the Airport Authority. Supervisor Bennett seconded the motion. Motion carried 5-0.

B. i. (1-0312.5) Chief Juvenile Probation Officer Bill Lewis explained previous grant funding and the program. Discussion between Mr. Lewis and Supervisor Plank corrected a typographical error in the school year used within the report. Supervisor Plank then moved that the Board of Supervisors approve the Carson City Juvenile Probation Department to receive \$7600 in federal grant funds during the 1998 calendar year for the Regional Juvenile Justice Challenge Grant Project. Supervisor Tatro seconded the motion. Motion carried 5-0.

D. vi. (1-0366.5) Public Works and Utilities Director Dorothy Timian-Palmer explained the 1997 Vicee Canyon watershed flooding, the team who worked on the methods to correct the flood problem, its recommended solution, and funding sources. Homeowners Representative and Nimbus Engineers Principal Engineer Peggy Bowker explained her reasons for feeling that the proposal was appropriate and had considered all of the issues and concerns expressed by the homeowners. Public comments were solicited but none given. Mayor Masayko noted Tim Morsani's letter. (A copy is included in the file.) Discussion noted he had also been impacted by the flooding and his major concern with the sediment which had been left. Discussion indicated several of the residents planned to be present at approximately 9:30 a.m. The Board and staff's commitment to remediation of the flooding problem was noted. It was felt that if they wished to speak when they arrive, they could and, if necessary, the Board would reconsider its action. Comments also noted the other improvements undertaken by the City and public, specifically, Silver Oaks, to minimize future flooding impacts. The final design will be presented to the Board at a future meeting. Ms. Bowker noted that the homeowners were in support of the proposal and wished to so state that support. Mayor Masayko pointed out that the key issue is not one of just funding for capital improvements but also for operational and maintenance to be sure that the facilities can handle future storms. He indicated for the record that he was committed to funding the operation and maintenance costs to be sure that the facilities operate as intended. Supervisor Tatro pointed out that the entire community would benefit from the program and that commitments must be made to address storm drainage and flood control mechanisms. Also, the 12 or 14 neighbors who had participated in the design were unique and should be commended for their willingness to participate. The flood had impacted the hospital and the runoff must be taken the entire distance to the river. The entire community will benefit from the project. Supervisor Tatro then moved that the Board accept the Purchasing Department's recommendation on Contract No. 9798-162 and authorize the Utilities Department to issue Claim Forms to Resource Concepts in Carson City for a not to exceed amount of \$85,000 and to J. E. Fuller, Hydrology and geomorphology in Tempe, Arizona, for a not to exceed cost of \$40,000; funding source is Vicee Canyon Recharge as provided for in Fiscal Year 97-98; and budget allocation is \$533,000. Supervisor Plank seconded the motion. Motion carried 5-0.

4. BOARD OF SUPERVISORS

A. SUPERVISOR SMITH - ACTION ON CONSIDERATION OF A REQUEST THAT A STUDENT INCENTIVE PROGRAM BE DEVELOPED USING UNCLAIMED BICYCLES HELD BY THE CARSON CITY SHERIFF'S DEPARTMENT (1-0622.5) - Supervisor Smith's introduction included legal problems with the concept and recommended approving the concept and directing staff to work through these problems. Kim Bacon explained her proposal. Supervisor Plank explained his concern about labeling students "at risk". He supported the concept for "needy" children. "Needy" students could be "at risk" also. Ms. Bacon wanted all students to be eligible and not single out any one class. It is a incentive program rewarding students for their improvements. She indicated that, although she had used these labels with the Board, they are not used at her job. Supervisor Tatro described his relationship with Ms. Bacon and supported the program. Supervisor Smith briefly described her relationship with youths and parents. Public comments were solicited but none given. Supervisor Smith moved that the Board approve in concept the incentive program as outlined by Kim Riggs-Bacon in conjunction with the Carson City School District as it pertains to the bicycle program. Supervisors Bennett and

Tatro seconded the motion. Motion carried 5-0.

B. ACTION ON APPOINTMENT OF A MEMBER TO THE CARSON WATER SUBCONSERVANCY DISTRICT (1-0742.5) - Supervisor Smith volunteered to continue serving on the Subconservancy. Supervisor Bennett supported his reappointment and moved that the Board of Supervisors approve the reappointment of Supervisor Smith to the Carson Water Subconservancy District. Supervisors Tatro and Plank seconded the motion. Motion carried 5-0.

C. NON-ACTION ITEMS - INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS (1-0796.5) - Supervisor Plank reported on the HOME Consortium meeting including Lyon County's offer to be the lead agency. A new agreement will be presented to the Board in the future confirming this action. Supervisor Tatro reported on the Carson High School Wrestling Team. Supervisor Smith reported on the joint Regional Transportation Commission and Airport Authority meeting. He then explained his reasons for wanting to have a joint meeting with the Golf Course Corporation. Mayor Masayko noted that the new rates and season pass restrictions would not become effective until May and that the Corporation had established, on its own, a public meeting to explain the rates for January 15. He felt that the corporate officers would listen but emphasized the need for the courses to be financially stable. Supervisor Tatro pointed out that the revenue projections for the courses had been accurate. If operational changes had not been made, the City would have incurred additional debt. The decisions faced by the officers are very difficult. If the changes had not been made, the Board of Supervisors would be facing the same questions. The officers should be credited for successfully changing the operational strategy and the Board should support those changes. Supervisor Bennett reported on the status of the Carson River conference for April 6; plans for a Carson River Coalition; her memo about some Highway 28 issues; and a recent TRPA meeting. Mayor Masayko reported on the Capitol Complex Working Committee and the State Museum's acquisition of the former First Interstate Bank Building. Finance Director Walker had indicated that Redevelopment is willing to work with the State Museum on its master plan for that area. This project should be constructed in 1998. Ms. Walker expressed a desire to make a presentation to the Board in January on the concept. The plan includes a provision for 100 public parking spaces. Mayor Masayko then reported on other issues discussed by the Capitol Complex Working Committee including the need for additional parking in the downtown area. (Supervisor Tatro stepped from the room at 9:42 a.m. and returned at 9:44 a.m. A quorum was present.) Mayor Masayko also reported on the State's plans to turn over some of the Stewart facilities to the School District. Advantages of the Committee were also stressed. Mayor Masayko then reported on the Statewide Transportation Committee meeting and indicated that the Crystal Bay North Shore enhancement program was funded for \$900,000. Federal funding for enhancement programs was explained. This one project may take all of that funding. Supervisor Bennett then indicated that her projects would not need ISTEPA funding. She planned to seek some of the "old Tahoe Bond" monies as well as the "new Tahoe Bond" monies. The political problems involved with the Crystal Bay project were noted. Mayor Masayko then reported on the Tri-County Railway Commission and the status of the Overman Pit. He had previously distributed copies of the statewide improvement program for the years 1998 to 2000 to the Board. Both legs of the freeway are on the long range plan. All of the Lake Tahoe and Carson City projects were included on the list.

D. STAFF COMMENTS AND STATUS REPORTS (1-1285.5) - Mr. Berkich noted that this is Dorothy Timian-Palmer's last Board meeting as a staff member and saluted her for her nine-and-a-half years of 110 percent effort to the community and organization. He thanked her publicly and wished her well in her new endeavor. He also announced her special going away party scheduled for January 10. Mayor Masayko noted her enthusiasm, skill, talent, and dedication and wished her well in her future endeavors.

5. LIBRARY DIRECTOR - Library Board of Trustees President John Sparbel - ACTION ON APPOINTMENT OF MEMBER TO THE LIBRARY BOARD OF TRUSTEES (1-1235.5) - President Sparbel explained Library Director Sally Edwards absence and introduced Brenda Wipfli, whom the Board nominated to replace Judge John Ray. Mayor Masayko thanked Ms. Wipfli for applying and supported the appointment. Supervisor Plank moved to appoint Ms. Wipfli to the Carson City Library Board of Trustees for a four year term to begin immediately. Supervisor Bennett seconded the motion. Motion carried 5-0. Mayor

Masayko commended her on her appointment.

6. CHIEF JUVENILE PROBATION OFFICER - Bill Lewis - ACTION ON THE CARSON CITY JUVENILE PROBATION DEPARTMENT'S RECOMMENDATION THAT THE PER DIEM FEE FOR JUVENILE DETENTION SERVICES BE INCREASED FROM \$50 PER DAY TO \$80 PER DAY EFFECTIVE JULY 1, 1998 - Discussion explored the fees charged by other centers and emphasized the lack of space in Carson City and other areas. The rates were last increased in 1991. The agreement with the U.S. Marshal's office will be considered at a future date. Supervisor Bennett suggested Mr. Lewis consider future incremental increases rather than such a hefty sporadic increase. Mr. Lewis felt that next year's budget should include the increase. Supervisor Tatro pointed out that this would create adverse comments that he was always seeking a rate increase. Supervisor Tatro then moved that the Board of Supervisors approve the Carson City Juvenile Probation Department increase in the per diem Juvenile Detention Center fees charged to agencies and counties under contract for such services from \$50 per day to \$80 per day effective July 1, 1998. Supervisor Smith seconded the motion. Motion carried 5-0.

7. FINANCE DIRECTOR - Mary Walker

B. ACTION ON APPROVAL OF RESOLUTION ESTABLISHING DISTRIBUTION OF MOTOR VEHICLE PRIVILEGE TAX BETWEEN THE CARSON WATER SUBCONSERVANCY DISTRICT AND CARSON CITY (1-1468.5) - Ms. Walker's introduction included comments from Assemblyman Ernie Adler about the tax and its intent. She agreed to furnish the Board with a copy of his letter. Her comments also included the need to act quickly on the Resolution. Supervisor Smith explained the Subconservancy District's action on a resolution yesterday supporting the proposal and commended Ms. Walker on her work on this issue. Supervisor Smith moved that the Board of Supervisors adopt Resolution No. 1997-R-45, A RESOLUTION ESTABLISHING DISTRIBUTION OF MOTOR VEHICLE PRIVILEGE TAX BETWEEN THE CARSON WATER SUBCONSERVANCY DISTRICT AND CARSON CITY. Supervisor Tatro seconded the motion. Motion carried 5-0.

BREAK: A nine minute recess was declared at 10:06 a.m. The entire Board was present when the meeting was reconvened by Mayor Masayko at 10:15 a.m., constituting a quorum.

A. ACTION TO ACCEPT THE CARSON CITY FISCAL YEAR 96-97 COMPREHENSIVE ANNUAL FINANCIAL REPORT (1-1575.5) - Ms. Walker's introduction included Kafoury Armstrong Representative Randy Kuckenmeister. Mr. Kuckenmeister introduced Nancy Paulsen, who had been conducting the City's audit. He read the independent auditor's statement into the record. Mr. Kuckenmeister and Ms. Walker discussed with the Board overhead graphs of the budget and the City's financial position. (Copies of the graphs are included in the file.) Mr. Kuckenmeister then reported on the City's compliance with the Administrative Code. Reasons for the Health Department's over-expenditure of its budget were discussed. Board comments commended Ms. Walker and her staff on their endeavors. Mr. Kuckenmeister also commended the Board and City staff on its ability to manage its finances and plan for future needs. Supervisor Tatro moved that the Board proudly accept the Carson City Fiscal Year 9697 Comprehensive Annual Financial Report. Supervisor Bennett seconded the motion. Motion carried 5-0.

8. COMMUNITY DEVELOPMENT DIRECTOR - Principal Planner Rob Joiner - ACTION ON H-96/97-43 - AN APPEAL OF THE HISTORIC ARCHITECTURE REVIEW COMMISSION'S DECISION REGARDING A REQUEST FROM WILLIAM SCHNEIDER TO RELOCATE THE HYMAN-OLCOVICH HISTORIC HOUSE AND GARAGE, REMOVE OR DISMANTLE AN EXISTING SHED, AND DEVELOP A PARKING LOT (37-40 SPACES) ON PROPERTY LOCATED AT 412 NORTH CURRY STREET, APN 3-225-01 (CONTINUED FROM OCTOBER 16, 1997, BOARD OF SUPERVISORS MEETING) (HARC DENIED 4-0-2-1) (1-2265.5) - Redevelopment Director Mary Walker, Deputy Public Works Director Tim Homann, Cactus Jack's General Manager Bill Hissam, HARC Chairperson Peggy Twedt, Pat Stark-Moran, Deputy District Attorney Paul Lipparelli - Mr. Joiner reviewed the status of the

proposal and the HARC and Planning Commission's recommendations on the revised plan. Mayor Masayko noted that the Board was hearing the issue based on the Board's action to continue the proposal. Normally the Board does not consider the HARC and Planning Commission actions on the revised plan. Discussion noted HARC Member Scott Klette's relationship to Bud Klette and that Commissioner Klette had disclosed the relationship during the HARC meeting. Ms. Walker reviewed the Board's direction at the last meeting and the revised plan. The Nugget had expressed an intent to maintain its policy of keeping its lots open for use by the general public. Mr. Homann described the criteria utilized in designing the parking lots and the ultimate plan including its landscaping. Ms. Walker then explained the proposed lease agreement which would have the City incur the liability for public use of both the Nugget and Cactus Jack's parking lots. Discussion between Mr. Homann and the Board elaborated on the landscaping treatment for the parking spaces adjacent to the Norway Spruce and its success in other areas. Mr. Homann indicated that if the plan is not successful, the parking in this area may have to be reconsidered/restricted. Both Mr. Homann and Ms. Walker indicated that the City would be responsible for maintenance of the lot. Ms. Walker reiterated the benefits of the proposal.

Mayor Masayko explained his attendance at the staff meeting with Mr. Hissam. He expressed his appreciation of the cooperation received from Cactus Jack's and commended all on their efforts to find a reasonable solution. He pointed out the need for a long-range plan. He committed to continuing to work with the Nugget and any other property owner(s) to obtain an agreement on the short-term solution. He felt certain that the Redevelopment Citizens Committee would continue to work on this situation.

(1-2828.5) Mr. Hissam reviewed the history of the request. He agreed that there had been progress and applauded staff's efforts. The City regretfully could not reach an agreement with all of the parties. Therefore, he requested approval of his August 7th request and emphasized his feeling that it is a question of personal property rights. Clarification by Mayor Masayko indicated that Mr. Hissam was requesting the Board hear his appeal to the HARC denial and that the compromise was not satisfactory. Mr. Hissam agreed that the compromise is not satisfactory.

Commission Chairperson Twedt pointed out that the initial plan had included only 36 parking places. The compromise provides 24 spaces. This leaves a deficit of 12 spaces. The Nugget proposal would more than address that shortage. Ms. Walker also noted a plan to create over 100 parking spaces behind the Museum. This would further reduce the impact on the Nugget parking lot. Chairperson Twedt urged the Board to deny Cactus Jack's request. They then may be more receptive to working with the City on an alternative plan. Relocation of the Hyman-Olcovich House would diminish the cultural resources in the area.

Ms. Moran-Stark urged the Board to deny the request. She reiterated her previous statement indicating that she had a buyer wishing to pay cash for the property. She felt that the Nugget was the focal point on which Board decisions are based and that the Nugget should be forced to open the fence and allow Cactus Jack's patrons to use its parking lot. She could remember when the lot was closed to the public and used for valet parking. She acknowledged Cactus Jack's need for parking and explained her personal experience with her South Carson Street business. It is a citywide problem which moving one house after another will not resolve. She urged the Board to deny the request. Additional public comments were solicited but none made.

(1-3035.5) In response to Supervisor Smith's question, Mr. Lipparelli explained the need for a building permit to move a structure and the additional HARC review over buildings within the Historic District. Criteria utilized by HARC in making such a decision was noted. When efforts to minimize the impact of any structural or other changes within district fail, the applicant or HARC will use the appeal process to obtain a hearing in front of the Board of Supervisors. The Board is to review HARC's recommendation and determine whether or not the Building Department should issue a permit to allow relocation of the house. He also explained the City's application/acceptance of grants which are used throughout the City on many different projects. The Board needs to weigh the criteria used within those grants to determine the impact HARC's recommendation may have on future grants or on the potential of a violation to the grant agreement terms. If the Board rejects HARC's recommendation and permits the relocation of the house, the grants could be jeopardized. He also indicated for Supervisor Smith that findings must be made the same as had been done during the HARC decision. This is the same as when the Board considers the Planning Commission recommendations. Supervisor Smith also pointed out

the need to consider the the community good in the deliberations. HARC's overview is restricted to a specific boundary and the applicants for the Commission are required to have a special interest in that specific area. He questioned whether their specific overall view is reflective of the overall community needs and good. Although he had received a lot of comments from individuals within the district supporting the HARC recommendation, there had been far more contact from individuals outside of the district supporting Cactus Jack's original proposal, which he briefly described. He emphasized the fact that it is private property and private money which is being impacted/spent. He agreed that staff had worked diligently to develop an alternative plan. It, however, did not meet the needs as originally established when Cactus Jack's originally acquired the property. He indicated his intent to support overturning HARC's decision and to allow Cactus Jack's to pursue its original proposal when the motion is finally proposed.

Mayor Masayko then expressed his feeling that he is an elected official who represents the community and its standards and values. He did not feel that the Feds were attempting to substitute their judgement for the City's. The Feds were saying that if the integrity of the historic district is not maintained, then the standards would not be maintained. The community standards should be maintained. If historic structures are preserved, the Feds will grant us a standard, funding, and support. If something else is determined by the community, which is the community's right, the Feds will not participate.

Mr. Hissam urged the Board to request Mr. Joiner to read Standards 1 and 2. Mayor Masayko also requested that he read the standard indicating that if a structure is relocated, the historic value is diminished. Mr. Hissam indicated that the request had been denied based on Standards 1 and 2 and requested they be read into the record. Mr. Joiner indicated that he did not have a copy with him and for Supervisor Smith that HARC had made findings. He explained that the Secretary of Interior's standards are to be used as guidelines which must be flexible enough to fit the entire nation. HARC had always compromised and worked with people which is the reason the Board seldom hears appeals of its recommendations. He also felt that the Commission is community minded as indicated by the fact that there are non-contiguous sites throughout the community. He noted the Governor's sponsored cultural tourism meeting recent held in Douglas County which emphasized the cultural tourism issues. Redevelopment funding had been invested in the downtown area in such a effort. HARC felt that relocation of the building would have diminished the front door of the historic district. Redevelopment's original committee members had worked very, very closely with HARC on its recommendations for lighting, the master plan, etc. HARC had been global in its review. The denial had been based on the Secretary of Interior's standards, the HARC guidelines, and the HARC ordinances which all speak to maintaining the character and not diminishing it. Clarification for Supervisor Plank indicated that the relocation of the house may not disenfranchise the City. Mr. Joiner agreed that there had been relocations both within and without the district which had not been challenged in the past. The difference is that, as indicated by Ron James, the district is included in the Master Plan. More and more funds are being given as grants. The State Preservation Plan must increase its standards which may make the house more important today than it had been previously. He also emphasized that Guy Rocha had indicated the importance of the site in his comments relating to the location and its cultural resource to a specific religious community. He pointed out that Cactus Jack's had indicated the relocation would be Mr. Rednick's responsibility and that there had never been any indication as to whether he had the financial ability or technical knowledge to perform this work. There had been no guarantee that the house could be relocated or rehabilitated successfully. HARC may wish to review this issue to be sure that appropriate guarantees can be made.

(2-0015.5) Supervisor Bennett indicated she had received a stack of letters supporting HARC's recommendation and the importance of keeping the house at its current location. She supported Mayor Masayko's comments regarding the Board's responsibility to uphold the community standards and guidelines. She stated her grief at the loss of a significant historical structures within the City, that having been the old V&T Roundhouse. She then noted the recent Nevada Appeal booklet illustrating all of the historical structures and those which had been lost, such as the Arlington House. This destruction had occurred at a time when the City probably lacked both the finances and value of the antiquity. Letting go of one more structure would be a great injustice to both the people with a specific interest in the area and the community as a whole. HARC had done a good job as a representative of the community as a whole. Staff had worked hard with Mr. Schneider. Staff took his needs seriously. The compromise was well thought out and had included his participation. She, too, regretted that other entities had not

been as willing to be as cooperative as she would have liked. There is a ray of hope on the horizon when she hoped they would meet their commitments. She acknowledged the Mayor's commitment to be diligent in its pursuit. The benefit from the entire matter had been to force the community to look at parking as a whole on the northern end of the district. Cactus Jacks will be the beneficiary of this effort as well as the community. There is a opportunity for a win-win situation to occur. Her vote would reflect these comments.

Supervisor Tatro made his disclosure concerning his father's former relationship with the Nugget. Supervisor Tatro does not currently have any involvement with the Nugget nor would he gain financially in any manner from any decision made today. He pointed out that the Nugget is one of the community's finest corporate citizens. It had provide hundreds of parking spaces in the downtown area which are open to the general public at any hour. Anyone who states that the Nugget is only looking out for itself misses a lot of parking area and effort which it had made. He would benefit only as anyone else in the community benefits from the Nugget's success. It really concerns him when statements are made indicating the Nugget is not doing enough. The eight or nine blocks of parking provided by the Nugget could be put into more productive use and attract a premium price if it was on the market. He did not agree with Supervisor Smith's characterization of HARC as a special interest group. He felt that it is a specialized pool of knowledge as each individual has professional expertise as a requirement of his/her membership on that Commission. These members are there due to their commitment to the community and not due to a personal benefit which would be derived from the membership. The community discusses it history and the need to preserve same. History is its number one asset. At the recent Board of Supervisors workshop preservation of Carson City's history had been established as one of the top priorities. All of the surveys conducted of the community supported this ranking including the focus and visioning meetings. A broad spectrum of the community supports historic preservation. It is the focus and cornerstone of Redevelopment's efforts. It is the primary focus of the Convention and Visitors Bureau marketing activities. The City has history to sell and specifically the culture of the old west. The Governor's campaign to support the State's culture and history as a tourist attraction was also noted. The issue before the Board is about one specific piece of historical property which is owned by Cactus Jack's. It is not purely an issue of personal property rights as indicated by Mr. Hissam. It is also a community responsibility issue. The personal property rights are changed when the property is voluntarily included within the historic district. Later when the property is sold, the property is still encumbered by that inclusion. The property rights are diminished and the successive property owner picks up additional responsibilities which should be known at the time the property is acquired. The City had made a significant effort to develop an acceptable compromise and had worked with all of the parties. All of the parties who had a stake had come to the table to assist with the development of that compromise. The original request had been to develop 36 parking spaces and the desire to use their property in order to do this. The other side of this issue is the need to preserve a significant historical structure. The plan which had been developed would have been an improvement which would have produced 24 parking spaces or 67 percent of the original request and a promise of a continuing effort by the City to work with an adjacent property owner to further open a private parking lot to the general public which would have been even more acceptable to Cactus Jack's. That property owner had neither said yes nor no but was willing to continue working with the City although it is not its top priority right now. The proposal is 2/3rds of the original request, retains the house, and has the promise of working with the City on a future plan. He was disappointed to have heard Mr. Hissam's statement that the compromise was not adequate as it was almost the entire commitment he had originally requested. The City's efforts would continue regardless of whether the related property is involved in the ultimate parking plan. He felt the compromise is a good one and would be beneficial to Cactus Jack's and the community as a whole. Preserving the home in its present location is reflective of community's will as expressed over and over in the need to preserve its history. The only proper decision that the Board could make would be to respect that and uphold the HARC's recommendation. **Supervisor Tatro then moved that the Board of Supervisors uphold the Historic Architecture Review Commission's decision to deny H-96/97-43, a request from William Schneider to relocate the Hyman-Olcovich Historic House and Garage, remove or dismantle an existing shed, and develop a parking lot on property located at 412 North Curry Street, Assessor's Parcel Number 3-225-01, based on the three findings of the HARC recommendation. Supervisor Bennett seconded the motion.** Mayor Masayko explained that the motion would deny the appeal and uphold the HARC recommendation. The motion was voted by roll call with the following result: Supervisor Tatro - Yes; Bennett - Yes; Plank - Yes; Smith - No; and Mayor Masayko - Thank you,

Supervisor Plank, I am not in the hot seat, I had my speech all prepared, let me at least put this on the record, I am a very strong private property rights advocate but in this case Cactus Jack's knew or should have known of the status of the voluntary inclusion in the historic district and that, upon the purchase of that house that the public policy and the Historic Architecture Review Commission's standards for historic preservation were all going to be barriers or impediments to his free use of that property, that almost had to be known going in, if the situation were different, Mr. Hissam, if the conditions were different, and that is what I am saying to the public out here, I will look at these things individually and specifically ever time they come before this Board and, in essence, I am convinced on those two points of: you knew it when you bought it and the need for the parking, the compromise is at least reasonable, it isn't all that you asked for but it is reasonable and I do believe that I have been shown and I have learned something in the past couple of months or the past 120 days here that I have been convinced that on that particular structure moving that particular structure is something that I am convinced will diminish it historically, I guess I will also say, Mr. Hissam, you are almost in a win-win situation because this Board has voted to uphold the denial of the moving of the house but the compromise is still on the table, so it is out there for you and with that I join my other three Supervisors and say, Yes. Motion carried 4-1.

AGENDA MODIFICATIONS (1-0265.5) - Mayor Masayko then indicated that the 2 p.m. item would be taken up when the Board reconvenes after the Kings Canyon Monument dedication. The remaining Agenda items beginning at Number 9 will follow the 2 p.m. item.

KINGS CANYON MONUMENT DEDICATION - The public was invited to participate in the dedication. Board transportation was available in the south parking lot. The meeting was recessed at 12 noon to allow time to journey to the monument. Mayor Masayko reconvened the session at approximately 12:25 p.m. at the Kings Canyon Trailhead. The entire Board was present constituting a quorum. Staff members present included City Manager Berkich, Clerk-Recorder Glover, Sheriff Banister, Parks and Recreation Director Kastens, Public Works and Utilities Director Timian-Palmer, Chief Deputy District Attorney Lipparelli, and Recording Secretary McLaughlin. (B.O.S. 12/18/97 Cassette Tape 3-001 Side A)

Mayor Masayko recognized "Dutch" and Elaine Borda. Mayor Masayko welcomed the dignitaries and audience. The property is the City's first significant land trade for preservation of open space. The Public Land Trust's role in obtaining the property from the Borda family was briefly explained. The Trust conveyed the land to the Forest Service to be maintained as a conservancy area for the Carson City residents and future generations. Preservation of the historic and scenic property allows all to enjoy its natural setting and beauty. The community's appreciation to the Borda family, the U.S. Forest Service, and the Trust of Public Lands was expressed. He thanked Jack and Andrea Burton for the plaque and stone and the Street Department and Public Works Director Timian-Palmer for the plaque's foundation.

U.S. Senator Harry Reid's Rural Coordinator Karen Denio thanked all who had been involved in making the preservation of the property for the public use occur. U. S. Forest Service Representative Ed Del Carlo introduced his team members--former Lands Officer Bill Van Broughen and Acting District Ranger Jerry Grumpstead. He commended the City staff for its assistance in obtaining the property. The benefits of having the property were also noted. The property will increase the Forest Service property within the City limits by one-third. Public Land Trustee Margaret Eddington explained the process required to obtain the property and its importance to the community. Community support throughout the process was commended. She complimented the Bordas for their tenancy and willingness to work through the long and sometimes tedious process. Her pride in being able to see the project completed was noted. State Archivist Guy Rocha explained the historical significance of the site.

Mayor Masayko recognized the other Board Members, Park and Recreation Commissioners, Open Space Committee Members, Shade Tree Council Members, and City staff who were present. He then recognized the late Pete Borda's efforts involved in the process and indicated that the dedication is also in his honor. "Dutch" Borda welcomed the audience and expressed his love and respect for the property and desire to conserve it. He thanked all of the participants for their efforts. The Bordas, Ms. Denio, and Mayor Masayko unveiled the plaque. Mayor Masayko then read the inscription. He, again, thanked the Bordas for making the process possible and invited the

audience to participate in a reception at the Sierra Room.

BREAK: Mayor Masayko recessed the meeting at approximately 12:45 p.m. The entire Board was present when the meeting was reconvened at 2 p.m. in the Sierra Room, constituting a quorum. Staff present included: City Manager Berkich, Clerk-Recorder Glover, Public Works and Utilities Director Timian-Palmer, Building Official Herrington, Chief Deputy District Attorney Lipparelli, Deputy Public Works Director Tim Homann, and Recording Secretary McLaughlin.

12. CITY MANAGER - John Berkich

A. ACTION TO APPROVE IN CONCEPT THE DEVELOPMENT OF A "ONE STOP SHOP" FOR BUILDING AND DEVELOPMENT (2-0305.5) - Mr. Berkich's introduction included compliments to the Team on their work. Building Permit Center Committee Chairperson Eugene Lepire reviewed the Committee's recommendations which are included in the Committee's report. (A copy is in the file.) The recommendations included personnel needs, funding potentials, and the building configuration. Members of the Team were introduced. Mayor Masayko thanked the Committee for its dedication and effort. Mr. Berkich explained the purpose of having a consultant review the report and his findings. A copy of his report was to be made available to the Board after the meeting. Mayor Masayko explained his contact with the Committee regarding the report and the Committee's desire to have the Board approve the concept, recognize the leadership changes required, and implement the plan. Mr. Berkich also requested authorization to analyze the Northgate facility in concept to determine its feasibility as an implementation site for the program. Mayor Masayko expressed his feeling that the process should be implemented first before a site is determined. The facility and personnel requests should be addressed during the budget process. Attitudes and procedures should be modified first before funding is allocated. Chairperson Lepire stressed the Committee's desire to have Mr. Herrington be the director over the department. Discussion indicated this change could be implemented without any change in the funding and as an administrative act. Discussion ensued between the Board and Chairperson Lepire on the need for a facility before the concept is implemented. Supervisor Bennett commended Chairperson Lepire and the Committee on its work. Mr. Berkich requested Board approval in concept and direction for staff to develop an implementation plan which will allow staff to develop and do the things which could be done. The timetable for total implementation would be brought back to the Board. Mayor Masayko encouraged the Team to remain active and watch over the process. The reorganization is significant and will take time to complete. Chairperson Lepire indicated that the Team had expressed an intent to remain active for at least a year. Mayor Masayko encouraged the Team to furnish periodic reports on the process.

Mr. Herrington agreed that funding for a building was not the primary issue at this time, however, would help with implementation. Funding for a facility had been included in the report. He used a design concept drafted by John Copolous to illustrate and explain the facility which the Team felt could be created at the Northgate building. His comments included personnel needs. He further elaborated on the landscaping plans for the atrium, the proposal to issue permits by appointment, and the plan to grant small permits for water heaters, electrical panel change outs, fences, etc., over the counter. The need for an improved tracking system was also indicated. This may require a projects coordinator position in order to be more pro-active rather than wait for the applicant to contact the City to determine the status of his/her permit. Supervisor Bennett suggested a centralized computer terminal be provided for the public to verify the permit status without interaction with staff. Mr. Herrington indicated this is possible and that an automated telephone service is also in the offing. The automated telephone service would also provide the public with access through automation to determine the status of a permit. Mayor Masayko cautioned against creating a mind set which is one sided and eventually creates a mini-bureaucracy with a lot of staffing. A computerized system could be developed which would provide a tracking mechanism without mandating relocation of the staff. He cautioned against adding a lot of staff to accomplish the tasks. Mr. Herrington indicated he would not add another level of bureaucracy. The Team had recommended adding another Plan Checker. Reasons for this recommendation were noted. He reiterated the commitment by the builders to finance the program. Mayor Masayko felt that this may be premature at this time. His primary goal is to increase the service level and satisfaction without increasing the costs beyond a small amount. Additional public comments were

solicited but none given.

Supervisor Smith moved that the Board of Supervisors approve in concept the development of a one stop shop for Building and Development including instructions to the City Manager to begin the process and indicating that it is important that leadership be established and an implementation plan be brought back to the Board of Supervisors. Supervisor Plank seconded the motion. Motion carried 5-0. Mayor Masayko reiterated his compliments to the Team on its work. Mr. Berkich introduced Matt Davis who had also been involved with the Team.

9. PUBLIC WORKS AND UTILITIES DIRECTOR - Deputy Public Works Director Tim Homann

A. ACTION ON IDENTIFICATION AND DETERMINATION OF CITY MAINTAINED STREETS (2-0973.5) - Discussion explored the accounting requirements mandated by the State. There are approximately 13 miles of unpaved roads and 216.7 miles of paved roads. State maintained roads are not included in these figures. Supervisor Bennett moved that the Board of Supervisor accept the list of City maintained streets and direct staff to submit the listing to NDOT. Supervisor Plank seconded the motion. Motion carried 5-0.

B. ORDINANCES - FIRST READING

i. ACTION ON AN ORDINANCE APPROVING A WATERLINE REIMBURSEMENT AGREEMENT BETWEEN CARSON CITY AND LANDMARK HOMES AND DEVELOPMENT, INC., REGARDING ASSESSOR'S PARCEL NUMBERS 9-775-23, 9-136-04, 9-142-04, 9-142-09, AND 9-149-01 LOCATED AT THE SOUTH POINTE PHASE 4 SUBDIVISION, THE NORTHEAST CORNER OF CENTER DRIVE AND VALLEY VIEW DRIVE, THE SOUTHEAST CORNER OF CENTER DRIVE AND VALLEY VIEW DRIVE, 4071 CENTER DRIVE, AND 3979 CENTER DRIVE, CARSON CITY, NEVADA, FOR WATER MAIN CONSTRUCTION AND REIMBURSEMENT (2-1089.5) - Supervisor Bennett moved that the Board of Supervisors introduce on first reading Bill No. 171, AN ORDINANCE APPROVING A WATERLINE REIMBURSEMENT AGREEMENT BETWEEN CARSON CITY AND LANDMARK HOMES AND DEVELOPMENT, INC., REGARDING ASSESSOR'S PARCEL NUMBERS 9-775-23, 9-136-04, 9-142-04, 9-142-09, AND 9-149-01 LOCATED AT THE SOUTH POINTE PHASE 4 SUBDIVISION, THE NORTHEAST CORNER OF CENTER DRIVE AND VALLEY VIEW DRIVE, THE SOUTHEAST CORNER OF CENTER DRIVE AND VALLEY VIEW DRIVE, 4071 CENTER DRIVE, AND 3979 CENTER DRIVE, CARSON CITY, NEVADA, FOR WATER MAIN CONSTRUCTION AND REIMBURSEMENT. Supervisor Tatro seconded the motion. Motion carried 5-0.

ii. ACTION ON AN ORDINANCE APPROVING A SEWERLINE REIMBURSEMENT AGREEMENT BETWEEN CARSON CITY AND LANDMARK HOMES AND DEVELOPMENT, INC., REGARDING ASSESSOR'S PARCEL NUMBERS 9-775-23, 9-136-04, 9-136-06, 9-142-04 AND 9-142-09, LOCATED AT THE SOUTH POINTE PHASE 4 SUBDIVISION, THE NORTHEAST CORNER OF CENTER DRIVE AND VALLEY VIEW DRIVE, 801 KOONTZ LANE, THE SOUTHEAST CORNER OF CENTER DRIVE AND VALLEY VIEW DRIVE AND 4071 CENTER DRIVE, CARSON CITY, NEVADA, FOR SEWER MAIN CONSTRUCTION AND REIMBURSEMENT (2-1146.5) - Supervisor Tatro moved to introduce on first reading Bill No. 172, AN ORDINANCE APPROVING A SEWERLINE REIMBURSEMENT AGREEMENT BETWEEN CARSON CITY AND LANDMARK HOMES AND DEVELOPMENT, INC., REGARDING ASSESSOR'S PARCEL NUMBERS 9-775-23, 9-136-04, 9-136-06, 9-142-04 AND 9-142-09, LOCATED AT THE SOUTH POINTE PHASE 4 SUBDIVISION, THE NORTHEAST CORNER OF CENTER DRIVE AND VALLEY VIEW DRIVE, 801 KOONTZ LANE, THE SOUTHEAST CORNER OF CENTER DRIVE AND VALLEY VIEW DRIVE AND 4071 CENTER DRIVE, CARSON CITY, NEVADA, FOR SEWER MAIN CONSTRUCTION AND REIMBURSEMENT; no fiscal impact except for a 15 percent administrative fee to the City general Fund upon any reimbursement to the applicant. Supervisor Bennett seconded the motion. Motion carried 5-0.

iii. ACTION ON AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT

BETWEEN CARSON CITY AND LANDMARK HOMES AND DEVELOPMENT, INC., REGARDING ASSESSOR'S PARCEL NO. 9-775-23 LOCATED AT THE SOUTH POINT PHASE 4 SUBDIVISION, CARSON CITY, NEVADA, FOR SEWER MAIN PARTICIPATION (2-1185.5) - Supervisor Tatro moved that the Board of Supervisors introduce on first reading Bill No. 173, AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT BETWEEN CARSON CITY AND LANDMARK HOMES AND DEVELOPMENT, INC., REGARDING ASSESSOR'S PARCEL NO. 9-775-23 LOCATED AT THE SOUTH POINT PHASE 4 SUBDIVISION, CARSON CITY, NEVADA, FOR SEWER MAIN PARTICIPATION, fiscal impact is \$25,570.25, funding source is Fund No. 515 - Participation. Supervisor Bennett seconded the motion. Motion carried 5-0. Mr. Homann noted that Ron Kipp had been present during the three items. Mr. Kipp represents Landmark Homes. Landmark Homes had been excellent to work with throughout the process. Mayor Masayko noted their participation in other improvements and thanked Mr. Kipp for his participation.

C. ORDINANCES - SECOND READING (2-1235.5)

i. ACTION ON BILL NO. 168 - AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT BETWEEN CARSON CITY AND HOT SPRINGS CENTER ASSOCIATES REGARDING RECONSTRUCTION OF THE INTERSECTION OF HOT SPRINGS ROAD AND NORTHGATE LANE RELATED TO THE DEVELOPMENT OF ASSESSOR'S PARCEL NO. 02-061-31, CARSON CITY, NEVADA - Supervisor Tatro moved to adopt Ordinance No. 1997-70, Bill No. 168 on second reading, AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT BETWEEN CARSON CITY AND HOT SPRINGS CENTER ASSOCIATES REGARDING RECONSTRUCTION OF THE INTERSECTION OF HOT SPRINGS ROAD AND NORTHGATE LANE RELATED TO THE DEVELOPMENT OF ASSESSOR'S PARCEL NO. 02-061-31, CARSON CITY, NEVADA, fiscal impact is \$104,687, and the funding source is R.T.C. Road Construction Account. Supervisors Bennett and Smith seconded the motion. Motion carried 5-0.

ii. ACTION ON BILL NO. 169 - AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT BETWEEN CARSON CITY AND MICHAEL BELL AND ED WENINGER REGARDING ASSESSOR'S PARCEL NO. 4-021-08 LOCATED AT 1501 EAST FIFTH STREET, CARSON CITY, NEVADA, FOR SEWER AND WATER MAIN REPLACEMENT (2-1258.5) - Discussion explained the sidewalk improvements around the power poles. Supervisor Tatro moved to adopt on second reading Bill No. 169, Ordinance No. 1997-71, AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT BETWEEN CARSON CITY AND MICHAEL BELL AND ED WENINGER REGARDING ASSESSOR'S PARCEL NO. 4-021-08 LOCATED AT 1501 EAST FIFTH STREET, CARSON CITY, NEVADA, FOR SEWER AND WATER MAIN REPLACEMENT, fiscal impact is \$154,579.55 which includes a 15 percent contingency, funding source is 515 - Replacement and 520 - Replacement. Supervisor Bennett seconded the motion. Motion carried 5-0.

iii. ACTION ON BILL NO. 170 - AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT BETWEEN CARSON CITY AND HONE FAMILY TRUST AND GREUBEL FAMILY TRUST REGARDING ASSESSOR'S PARCEL NO. 8-271-30 LOCATED ON HIGHWAY 50 EAST, CARSON CITY, NEVADA, FOR RECLAIMED WATER AND WATER MAIN REPLACEMENT (2-1320.5) - Supervisor Tatro moved that the Board adopt on second reading Bill No. 170, Ordinance No. 1997-72, AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT BETWEEN CARSON CITY AND HONE FAMILY TRUST AND GREUBEL FAMILY TRUST REGARDING ASSESSOR'S PARCEL NO. 8-271-30 LOCATED ON HIGHWAY 50 EAST, CARSON CITY, NEVADA, FOR RECLAIMED WATER AND WATER MAIN REPLACEMENT, fiscal impact is \$107,144.35 which includes a 15 percent contingency, the funding source is the Sewer Account 515 - Replacement and Water Account 520 - Replacement. Supervisor Bennett seconded the motion. Motion carried 5-0.

10. INTERNAL AUDITOR - Gary Kulikowski - REVIEW AND ACTION ON MODIFIED ANNUAL AUDIT PLAN (2-1352.5) - Mr. Kulikowski and the Board discussed the revisions. Mr. Kulikowski agreed to keep the Board apprised of the status of the Airport audit. Discussion explained the different audits which were completed and are yet to be conducted at the Sheriff's office. The status of the Justice Court audit was also

described. Supervisor Tatro pointed out a typographical error in the dates for the Check Disbursement Register audits which will be performed in 1998. Mayor Masayko felt that the plan met the expectations as discussed previously. Supervisor Bennett moved that the Board of Supervisors approve the amended annual audit plan as submitted or as modified during this discussion. Supervisor Tatro seconded the motion. Following discussion, Supervisor Bennett amended her motion to be to approve the amended annual audit plan as submitted. The modifications were only the date corrections. Supervisor Tatro continued his second. Motion carried 5-0.

12. A. ACTION TO APPROVE A PAYMENT TO STANTON PARK DEVELOPMENT PURSUANT TO THE AGREEMENT FOR EXCHANGE OF REAL PROPERTY AND ITS ADDENDA (2-1589.5) - City Manager Berkich and Chief Deputy District Attorney Lipparelli - Discussion explained the remaining funds in the contingency account. The payment will deplete that account. It could, however, be augmented in the future. This would occur in the January timeframe. The Open Space funds may be used to reimburse the General Fund, however, formal action in this regard has not been taken by the Committee. Board comments stressed the feeling that when the original trade had been proposed, there had been an indication that the two properties were relatively similar in price. This difference had definitely not been indicated. Comments stressed the hope that future decisions of this type would include a reconsideration clause or a forgiveness clause. Mr. Lipparelli felt that the Board had been advised at the time the action was taken that there was a risk inherent to approving the trade prior to completion of the appraisal process. The Board had weighed this fact against the desire to not hold up the contractor. Supervisor Tatro agreed with Mr. Lipparelli and also indicated that no one thought that the difference would be this large. There had been an adequate warning. If the Board had said that the maximum reimbursement amount was \$10,000, Mr. Millard would have agreed. This was a lost opportunity that should not happen again. He agreed that the Board had a legal obligation to pay the amount. It is an appropriate funding source. He noted his opposition to using Open Space funding for this purpose. Discussion noted the length of time required to complete this transaction. Supervisor Bennett expressed her reasons for supporting the request. Supervisor Smith noted that the City had acquired a valuable piece of property along the River in the exchange. The amount being paid is the difference between the property the City traded and the land the City had received. Mayor Masayko indicated the City had received 62 acres in exchange for its parcel. Supervisor Smith moved that the Board of Supervisors approve a payment to Stanton Park Development pursuant to the agreement for exchange of real property and its addenda, fiscal impact is \$112,204.52 and that the funding source completely wipes out the Contingency Account. Supervisor Tatro seconded the motion. Comments indicated there would be a small amount remaining in the Contingency Account until it is augmented. Motion carried 5-0.

OTHER MATTERS (2-1825.5) - The Board wished the public Merry Christmas and Happy New Year. Mayor Masayko reminded the Board that the next meeting would be on January 8th.

C. ACTION TO RECESS INTO CLOSED SESSION PURSUANT TO NRS 288.220 TO MEET WITH MANAGEMENT REPRESENTATIVES CONCERNING LABOR NEGOTIATIONS (2-1854.5) - Supervisor Plank moved to recess into Closed Session pursuant to NRS 288 to meet with management representatives concerning labor negotiations. Supervisor Tatro seconded the motion. Motion carried 5-0. Mayor Masayko recessed the Open Session at 3:30 p.m. The Closed Session was recessed at 4:45 p.m. and the Open Session reconvened. (A quorum of the Board was present although Supervisor Bennett was absent.) Supervisor Tatro moved to adjourn. Mayor Masayko seconded the motion. Motion carried unanimously and Mayor Masayko adjourned the meeting at 4:45 p.m.

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1998.

ARE SO APPROVED ON _____ March 19 _____,

_____/s/_____
Ray Masayko, Mayor

ATTEST:

_____/s/_____
Alan Glover, Clerk-Recorder